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Invention groups I and II are related as a product and the process of making the product. The inventions are distinct if either (1) the process *as claimed* is not obvious and can be used to make another and materially different product or (2) the product *as claimed* can be made by another and materially different process. MPEP § 806.05(f).

To the extent that the Examiner contends that the claimed process can be used to make a materially different product, such a contention cannot stand. The process claims are explicitly limited to making the same product as claimed in the product claims. Furthermore, the process claims require extraction from an ascidian, whereas the product claims are limited to the product isolated from an ascidian species. The Examiner has not put forward any evidence or theory for isolating the claimed product from the claimed source by different means.

Similarly, a position that the claimed product can be made by a materially different process must also fail. The product claims are limited to product isolated from the ascidian *Synoicum macroglossum*. The process claims require materially the same process, subjecting an ascidian to solvent extraction.

The Examiner's remark that "β-carboline derivatives are known compounds and can be made by other processes" (Office Action at page 2) is inapposite, as no evidence or hypothesis has been put forward as to how this would be accomplished from the same ascidian species or from any ascidian species without use of extraction. Chemical syntheses are excluded from the claims.

Moreover, according to the Patent Office's examining procedures, "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." MPEP § 803. Each of the claims recites tiruchenduramine of Formula 1, a novel compound, and derivatives thereof. Electing the invention group I drawn to the product, as Applicants have done, will require the Examiner to search the prior art for any disclosure of the claimed product, which includes art drawn to processes of making and using the product. Therefore, Applicants submit that

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the claim groups identified by the Examiner do not warrant separate search and examination and the entire application can be examined without increasing the burden on the Examiner.

For these reasons, withdrawal of the Restriction Requirement is respectfully requested. Applicants believe the application is in condition for allowance and respectfully request prompt and favorable action on the merits.

A petition for a two-month extension of time and a check in the amount of the required fee are enclosed to extend the period for response to July 18, 2006.

Dated: July 7, 2006

Respectfully submitted,

By Adda C. Gogoris
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AMENDMENT TRANSMITTAL LETTER			Docket No. 03108/0201123-US0	
Application No. 10/814,777-Conf. #4938		Filing Date March 30, 2004	Examiner R. J. Desai	Art Unit 1625

Applicant(s): Yenamandra Venkateswarlu et al.

Invention: BETA - CARBOLINE DERIVED GUANIDINE ALKALOIDS, TIRUCHENDURAMINE

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.
The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	47	- 47 =		x	
Independent Claims	6	- 9 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify): Extension for response within second month					450.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					450.00

☒ Large Entity
 ☐ Small Entity

☐ No additional fee is required for this amendment.

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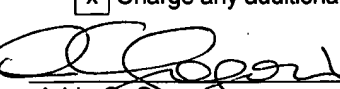
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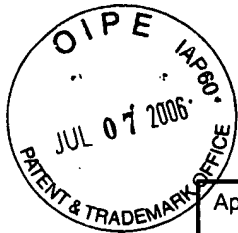
☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.



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Dated: July 7, 2006



Application No. (if known): 10/814,777

Attorney Docket No.: 03108/0201123-US0

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